

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAÚL MORERA-LLERAS, ENID
RIVERA-ROSARIO AND THE
CONJUGAL PARTNERSHIP
BETWEEN THEM; AND FARMACIA
UNITY, INC.,

Defendants.

CIVIL NO. 25-1321

CLAIMS OF FRAUD TO
DEPARTMENT
OF HUMAN HEALTH SERVICES,
MEDICARE PROGRAM, PURSUANT
TO THE FALSE CLAIMS ACT,
31 U.S.C. §3729, ET SEQ.

COMPLAINT

COMES NOW the United States of America, by and through the undersigned attorneys, and very respectfully alleges and prays as follows:

I. INTRODUCTION

1. The United States, files this action under the False Claims Act, 31 U.S.C. §3729, et seq. (“FCA”), and common law to recover damages and civil monetary penalties from the defendants’ false claims to the United States Department of Health and Human Services, Medicare and Medicaid Programs, all made in violation of federal law.

II. JURISDICTION AND VENUE

2. Jurisdiction is proper pursuant to 28 U.S.C. §1345, and its general equitable jurisdiction.

3. Venue is proper in this District under 28 U.S.C. §1391 and 31 U.S.C. §3732(a).

4. Pursuant to 31 U.S.C. § 3731(b)(1), a civil action under the FCA may be brought within six (6) years after the date on which the violations of §3729 were committed.

III. PARTIES

5. The Plaintiff is the United States of America, on behalf of the Department of Health and Human Services (“HHS”).

6. Defendants, Enid Rivera-Rosario and Raúl Morera-Lleras are of legal age, residents of Aibonito, Puerto Rico, and are married forming a marital partnership under a community of property and joint assets arrangement.

7. Farmacia Unity, Inc. is a for profit corporate entity engaged as a community retail pharmacy licensed to operate in Aibonito, Puerto Rico. As a registered provider to the Medicare and Medicaid Programs, under the National Provider Identifier 1871132464, Farmacia Unity, Inc. has a single location at Calle San José #51 West, Aibonito, Puerto Rico 00705. For all relevant periods to HHS’s investigation, Enid Rivera-Rosario and Raúl Morera-Lleras owned, managed and operated Farmacia Unity, Inc. In September 2024, Enid Rivera-Rosario and Raúl Morera-Lleras transferred all their shares and ownership interests on Farmacia Unity, Inc. to new owners, completely divesting themselves of the business.

8. X, Y and Z are natural or legal persons, acting on their own or organized as partnerships or corporate entities, be that as limited liability corporations,

professional service corporations, or in any other form permitted by law, whom we designate with fictitious names, as their true names are not known at present time. X, Y and Z are jointly and severally responsible and may answer to the Plaintiff for aiding, abetting and/or causing fraudulent claims to be submitted to the United States Government for payment, or furthering the fraudulent conduct by concealing the scheme, proceeds or assets resulting of fraud.

IV. RELEVANT FACTS

The Medicare Program

9. Except as otherwise specifically noted, the allegations set forth below describe the Medicare Program (“Medicare”), as managed by the United States Department of Health and Human Services (“HHS”) through its executive component, the Center for Medicare and Medicaid Services (“CMS”), for the period of January 1, 2021 to January 25, 2024.

10. HHS administers Medicare, through CMS. Medicare is a federal health care benefit program set forth in title XVIII of the Social Security Act, 42 U.S.C. §§1395 et seq., that provides medical insurance for covered services to qualified individuals.

11. Medicare consists of multiple parts. “Part D” is an optional benefit that offers prescription drug coverage to persons who are eligible to Medicare, referred to as “beneficiaries”.

12. Beneficiaries obtain Part D benefits by either: (a) joining a prescription drug plan, which covers only prescription drugs, or (b) by joining a Medicare

Advantage Plan, which covers both prescription drugs and medical services (collectively, “Part C plans”). Part C plans are operated by private companies, often referred to in the context of pharmacy benefits, as drug plan “sponsors”, which are approved by Medicare.

13. CMS assigns pharmacies a national provider identification number (“NPI”). A pharmacy dispensing medications to beneficiaries will use its assigned NPI when submitting claims for reimbursement under Medicare Part D. A pharmacy is allowed to submit claims for reimbursement under Part D only for medications that were legitimately obtained, medically necessary and dispensed.

The Medicaid Program

14. The Medicaid Program (Medicaid) is a joint federal-state program, established by Title XIX of the Social Security Act, which is intended to provide benefits to low-income individuals and families. Medicaid was monitored and funded by HHS through its agency, the CMS. Individuals who receive benefits under Medicaid, will also be referred to as “beneficiaries”.

15. In Puerto Rico, Medicaid provides prescription drug coverage to its beneficiaries either through a “fee for service” plans or through “Medicaid Managed Care Plans”, which are administered by private insurance companies, who are paid by Medicaid.

16. Pharmacies participate in the Medicare Part D program and Medicaid pharmacy benefits (collectively “prescription drug plans”) by entering into an agreement with a prescription drug plan; with one or more pharmacy benefit

managers (“PBMs”); or with a pharmacy service administration organization (“PSAOs”). PBMs acts on behalf of one or more prescription drug plans. Through a prescription drug plan’s PBM, pharmacies can join a network. A PSAO contracts with a PBM on behalf of the pharmacy.

17. Ordinarily, beneficiaries enrolled in a prescription drug plan obtains prescription medication from a pharmacy authorized by the beneficiaries’ prescription drug plan. Authorized pharmacies submit claims either directly to a prescription drug plan or to a PBM the represents a prescription drug plan, after a prescription is filled. Amongst other information, the pharmacy provides the beneficiaries identification number, the identity of the medical provider who orders the prescription and the pharmacy’s identification number or NPI, while submitting a claim. The prescription drug plan or the PBM determines whether the pharmacy is entitled to payment for the submitted claim, proceeding with the reimbursement of the claim, either directly or indirectly.

V. GOVERNMENT’S FINDINGS

18. For the period of January 1, 2021 to January 25, 2024, Enid Rivera-Rosario and Raúl Morera-Lleras, where sole shareholders of Farmacia Unity, Inc., which operated as a licensed community retail pharmacy in Aibonito, Puerto Rico.

19. For the period of January 1, 2021 to January 25, 2024, under Raúl Morera-Lleras and Enid Rivera-Rosario’s direction, Farmacia Unity, Inc. had significant inventory shortages of prescription drugs that were billed to the above-

mentioned federal health care programs and dispensed to beneficiaries, in comparison to what was reportedly purchased from legitimate wholesalers.

20. For the above-stated period, Raúl Morera-Lleras and Enid Rivera-Rosario, knowingly conspired and agreed to purchase medications from unlicensed wholesalers, which they made part of the medication inventory of Farmacia Unity, Inc. and ultimately dispensed to prescription drug plan's beneficiaries.

21. As a result, Raúl Morera-Lleras and Enid Rivera-Rosario, knowingly conspired to submit a substantial number of unique claims for reimbursement of pharmacy services to the Medicare and Medicaid programs, based on false representations, by selling misbranded medications, all in violation of the False Claims Act.

VI. CLAIM FOR RELIEF
False Claims Act 31 U.S.C. §3729(a)(1)

22. This is a claim for damages and civil monetary penalties under the False Claims Act (FCA), 31 U.S.C. §3729(a)(1).

23. Plaintiff incorporates and re-alleges paragraphs 1 through 21 as if fully set forth herein.

24. By virtue of the acts described above, Enid Rivera-Rosario, Raúl Morera-Lleras and Farmacia Unity, Inc., knowingly presented and caused to be presented to the United States, false and fraudulent claims for reimbursement and approval to the prescription drug plans managed by Medicare and Medicaid Programs, for pharmacy benefits.

25. This resulted in inappropriate payments to Farmacia Unity, Inc. by Medicare Advantage Organizations and Managed Care Organizations, under Part D of the Medicare program and the Medicaid program of approximately \$1,213,790.13.

26. These funds, which are the proceeds of Enid Rivera-Rosario and Raúl Morera-Lleras fraudulent endeavors against the United States Government, resulted in benefit of the conjugal partnership comprised between them by virtue of their marriage, while also profiting Farmacia Unity, Inc.

27. Respectively, Part D of the Medicare program, through Medicare Advantage Organizations, unduly paid Farmacia Unity, Inc. \$748,976.62, while the Medicaid program, through Managed Care Organizations, paid \$464,813.51.

28. Pursuant to the False Claims Act, the Defendants are jointly liable to an amount equal to three times the amount of damages the Government sustained as a result of Defendants' fraudulent conduct. Furthermore, each of the false statements on which request for reimbursement of pharmacy benefits were predicated, constitute a unique claim of provider fraud on the Government, for which a civil monetary penalty must be assigned, as allowed by law, ranging from \$14,308 to \$28,619, per violation.

XII. PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests that judgment be entered in its favor and against the defendant for treble damages and civil monetary penalties, as allowed by law, ranging from \$14,308 to \$28,619 per violation, for each

unique claims to be fixed at the discretion of the Court; and such other and further relief as this Court may deem just and proper.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, this 13th day of June of 2025.

W. Stephen Muldrow
United States Attorney

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